

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9266 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SANDOZ CHEMCIALS

Versus

A'BAD ELETRICITY CO LTD

Appearance:

MR KETAN D SHAH for the Petitioner.

MR HB SHAH for the Respondent.

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 17/11/98

ORAL JUDGEMENT

Rule. Mr. H.B.Shah, learned Advocate waives service of the Rule on behalf of the respondent. At the request of the learned Advocates, this petition is taken up for final hearing to-day.

The petitioner is a consumer of the respondent company and has got electric connection for industrial purpose. It is the case of the petitioner that on

24-2-1998 officers of the respondent company visited the installation of the petitioner and prepared a checking sheet .It is the case of the petitioner that although there is not a single line in the checking sheet stating that the petitioner was committing theft or malpractice , on 27-2-98, the officers of the respondent company came to the premises of the petitioner-firm and disconnected the power supply leaving the meter in the premises of the petitioner-firm. In view of the above, the petitioner-firm approached the City Civil Court, Ahmedabad by way of Civil Suit No.1091 of 1998 for a declaration that the action of disconnecting the power supply is illegal and for an injunction to restore the said power supply . Application for injunction, Ex.5 , was also made in the said suit. After hearing the parties the learned City Civil Judge partly allowed the application, Ex.5 and directed the respondent to restore the electric connection of the petitioner making payment of Rs.2,10,000. Appeal preferred by the petitioner against the aforesaid order was also dismissed by this Court vide its order dated 1-4-98 in view of the statement made by the learned counsel for the respondent. Thereafter on 3-4-98 the petitioner deposited the amount as directed by the Court and requested the respondent company to test the meter in the laboratory in presence of the responsible person of the petitioner.On 3-4-98 the officers of the respondent had taken away the meter for the purpose of checking. It is the case of the petitioner that thereafter several requests were made to the officers of the respondent to test the meter. However, the petitioner was told that they will not test the meter without the order of the Court.

In view of the aforesaid circumstances, the petitioner has prayed in the present petition for appropriate writ , order or direction directing the respondent company to test the meter taken away by the officers of the respondent company on 3-4-98 from the premises of the petitioner-firm immediately in presence of the responsible person of the petitioner.In view of the fact that the petitioner has deposited the amount as directed by the Court on 3-4-98 and thereafter the supply was restored, the respondent is required to consider the request of the petitioner to test the meter in the laboratory in presence of any responsible officer of the petitioner.

In the result, this petition is partly allowed. The respondent is directed to test the meter, which was taken away on 3-4-98 from the premises of the petitioner-firm, in the laboratory in presence of any

responsible person or officer of the petitioner. The fact that the meter is in possession of the respondent company since 3-4-98, the said test shall be carried out within three weeks from the date of receipt of this order. Rule is made absolute to the aforesaid extent with no order as to costs.
